

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Implementation of Section 621(a)(1) of the Cable
Communications Policy Act of 1984 as Amended
by the Cable Television Consumer Protection and
Competition Act of 1992

MB Docket No. 05-311

COMMENTS OF IPSWICH COMMUNITY ACCESS MEDIA (ICAM)

ICAM appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. ICAM, the PEG access center serving Ipswich, MA, provides coverage of local government meetings, school activities and events, and many other community programs. This is the only outlet for Ipswich residents to watch local government meetings and sporting events in their entirety. Local residents, at no cost, can create their own programs, develop their communication skills which empowers them in a positive way. As Executive Director of ICAM, I strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

The cost to the average cable consumer is so minimal compared to the value in return. The impact to your budget of reduced franchise fees, the long-standing agreement from the cable operator that such obligations are not franchise fees and using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions. Losing the local government meeting, school and community organization coverage would be much more detrimental than the cost it is to maintain these stations. It really is minimal compared to the millions of dollars cable companies make by using public rights of way. For the pennies on the dollars, PEG Access is really invaluable to the communities they serve.

I reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, ICAM provides valuable local programming to all residents that are not otherwise available on the cable system or in

other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. Here is a link to a short video that gives samples and shows a wide variety of programming ICAM provides for the residents of Ipswich: <https://www.youtube.com/watch?v=zhlaWO0Y2BY&feature=youtu.be>

As much as ICAM provides a great service to the Ipswich Community, so does many other PEG organizations across the country. It provides a service that no other entity does, and again I stress it is pennies on the dollars for the use of public rights of way.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

Beth Meyer

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